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Promotion and protection of human rights: implementation of human rights instruments

Proposed programme budget for the biennium 2014-2015

Revised estimates relating to the proposed programme budget for the biennium 2014-2015 resulting from the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

Sixth report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for the biennium 2014-2015

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on revised estimates relating to the proposed programme budget for the biennium 2014-2015 resulting from the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (A/68/385). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarifications, concluding with written responses received on 22 October 2013.

2. As indicated in the report of the Secretary-General, in accordance with its article 18, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights entered into force on 5 May 2013, three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession on 5 February 2013. The mandated activities to be implemented under the terms of the Optional Protocol are described in paragraph 5 of the report of the Secretary-General and include: (a) individual communications; (b) inter-State communications; and (c) inquiries. The Committee on Economic, Social and Cultural Rights, established under Economic and Social Council resolution 1985/17, is responsible for carrying out the functions provided for in the Optional Protocol. The Secretary-General expects that, during the biennium 2014-2015, the Committee will register approximately 15 communications and issue between 7 and 10 decisions on either admissibility or the merits, and might also conduct 2 inquiries,

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which would entail [illegible] field visits and 2 reports. He indicates that those outputs are additional to those included under paragraph 24.70 (a) (vi) of subprogramme 2, Supporting human rights treaty bodies, of section 24, Human rights, of the proposed programme budget for the biennium 2014-2015 (see A/68/385, para. 6).

3. The Secretary-General estimates that the additional resources required to support activities relating to the Optional Protocol amount to $839,200, comprising: (a) $368,800 for additional conference-servicing requirements under section 2, General Assembly and Economic and Social Council affairs and conference management, to provide interpretation services for 20 meetings and documentation services for 520 estimated standard pages; and (b) $470,400 under section 24, Human rights, to provide for one new P-4 post to provide Secretariat support to assist the Committee in carrying out its new functions, as well as travel and daily subsistence costs of three Committee members and three accompanying staff members for two one-week inquiry missions of the Committee. The Secretary-General states that the additional requirements to cover those activities are not included in the proposed programme budget for the biennium 2014-2015 and proposes that the related appropriation be approved as a charge to the contingency fund. In addition, for the biennium 2016-2017, total estimated additional requirements of $331,200 would be considered in the context of the proposed programme budget for the biennium 2016-2017.

4. In the light of the entry into force of the Optional Protocol on 5 May 2013, the Advisory Committee enquired as to why the additional resources were not included in the proposed programme budget for the biennium 2014-2015. It was informed that at the time of the preparation of the proposed programme budget for the biennium 2014-2015 details on the financial requirements arising from the entry into force of the Optional Protocol were not known. The additional requirements were therefore not included in the budget proposals.

5. The Advisory Committee enquired whether, in estimating the expected workload arising from the entry into force of the Optional Protocol, the Secretary-General had drawn comparisons with the levels of activity experienced under other similar procedures. It was informed that the workload of the different human rights treaty bodies varied based on different factors, such as the dissemination and knowledge of the instrument, the availability of civil society organizations to advise petitioners wishing to submit a communication and the rights enshrined in the respective covenant or convention. Similarly, with regard to inquiries, practices differed among the treaty bodies as to the size and composition of the inquiry team and the number and duration of country visits. It was therefore difficult to predict when human rights treaty bodies might decide to carry out an inquiry within the framework of their mandates. For this reason, costs for one inquiry per year had been included in order to ensure that the activity could be carried out if needed. The Committee was also provided with additional information on the optional protocols of other human rights treaty bodies, including information on the intervals between opening for ratification, entry into force and receipt of the first communication or the first country visit (see annex).

6. The Advisory Committee requested further details on the assumptions underlying the estimate of the volume of additional activities expected to arise from the entry into force of the Optional Protocol, namely, 15 communications, 7 to 10 decisions, and 2 inquiries (A/68/385, para. 6). It was informed that the

determining factor for receivability of petitions was the exhaustion of all means of local redress, which could not predate the accession of the Government in question to the Optional Protocol. However, a complaint might already have been subject to a multi-year process ending with a final high court decision shortly following the signing of the Optional Protocol by the Government, in which case, a certain period would be required for the preparation of the submission to the Committee. The conditions for admissibility of communications are set out in article 3 of the Optional Protocol.

7. The Advisory Committee was also informed that the Office of the High Commissioner for Human Rights considered it reasonable to expect receipt of the first petitions within a six-month period following the entry into force of the Optional Protocol. Furthermore, the Office expected one or two communications per month, given the fact that very few mechanisms existed at the international level for receiving complaints of direct violations of economic, social and cultural rights. With regard to inquiries, it was estimated that, if the Committee on Economic, Social and Cultural Rights decided to start an inquiry, it would carry out at least one visit to the concerned State, which would also require, in addition to the visit itself, preparation of background documents and other coordination activities.

8. Upon enquiry, the Advisory Committee was further informed that, to date, the Optional Protocol had been signed by 34 States parties and ratified by 11. Of those 11 States, 2 had also accepted the provisions of articles 10 and 11 of the Protocol concerning inter-State complaints. Furthermore, it was expected that at least 10 additional States would ratify the Optional Protocol in the next two years.

9. **The Advisory Committee recommends that the General Assembly request the Secretary-General to accommodate any additional requirements to support activities relating to the Optional Protocol, if needed, from within the resources provided for in the proposed programme budget for the biennium 2014-2015 and to provide the functions of the proposed P-4 post through general temporary assistance, as required. He should report on any additional expenditures in the relevant performance report. The Committee further recommends that the requirement to establish a new P-4 post be considered in the context of the proposed programme budget for the biennium 2016-2017, taking into account actual workload requirements and levels of activity recorded in 2014-2015.**

Annex

Other human rights instruments: dates of opening for ratification, entry into force and receipt of first communication/country visit

Treaty	*Open for ratification*	*Entry into force*	*First communication received/ country visit*
Optional Protocol to the International Covenant on Civil and Political Rights	19 December 1966	23 March 1976	Communication, 19 August 1976
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	10 December 1999	22 December 2000	Communication, 18 September 2003
Optional Protocol to the Convention on the Rights of Persons with Disabilities	30 March 2007	3 May 2008	Communication, 11 March 2010
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10 December 1984	26 June 1987	Visit, 6-18 June 1992 Report, February 1994
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	10 December 1999	22 December 2000	Visit, 18-26 October 2003 Report, January 2005